

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

FAO 2496 of 1997

Date of decision: 14.10.2019

M/s Dheeraj Kumar

.....Appellant

Versus

Union of India and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Ashish Grover, Advocate
for the appellant

Mr. G S Bajwa, Advocate with
Mr. R K Vashishtha, Advocate
for the respondents

-.-

Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against award dated 01.09.1997 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') whereby application filed by the appellant for recovery of Rs.3,82,836/- as compensation was partly allowed and the appellant was held entitle to recover Rs.15,257/- being cost of the short delivered goods (33 bags, each weighing about 96.320 kgs. @ Rs.480/- per quintal) with proportionate freight of Rs.2,490/- plus proportionate costs and interest @ 12% per annum from the date of filing of claim application i.e. 29.08.1996 till realization of decretal amount. However, interest would be payable @ 15% per annum in case the payment is not made within 60 days from the date of award.

The sole submission made by counsel for the appellant is that interest should be payable from the date of booking of consignment in

August 1993 in place of from the date of filing of claim application i.e. 29.08.1996. It is argued that even the remaining consignment of 565 bags out of 598 bags was delivered after one year and 8 months from the date of booking, the award passed by the Tribunal may be modified by allowing interest from the date of booking.

Counsel representing the respondents, on the contrary, would argue that the Tribunal has rightly allowed interest from the date of filing of claim application but interest has been allowed at a higher rate. It is further submitted that penal interest @ 15% per annum in case the amount is not paid within 60 days from the date of award is otherwise not sustainable in the eye of law.

The Tribunal has allowed interest @ 12% per annum and 15% per annum in case the payment is not made within 60 days from the date of award. Counsel for the appellant has failed to point out any statutory provision that envisages payment of interest @ 12% per annum. He even failed to point out if the Bank rate of interest at the relevant time in the year 1997 was 12% per annum. Since the Tribunal has allowed interest at a higher rate, I do not intend to interfere in the award by decreasing the rate of interest but allowing interest from the date of booking of consignment in place of from the date of filing of claim application.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

14.10.2019

Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No